From:	WESTBROOK Esther
To:	ROOT Jenny
Subject:	FW: Div. 12 rulemaking - asbestos
Date:	Monday, July 16, 2012 8:52:45 AM

Jenny – Here are some suggestions from Claudia Davis and Dottie Boyd.

Esther L. Westbrook
Environmental Law Specialist
DEQ Office of Compliance and Enforcement
Tel: 503-229-5374

From: DAVIS Claudia
Sent: Friday, July 13, 2012 6:29 PM
To: WESTBROOK Esther
Subject: RE: Div. 12 rulemaking - asbestos

Esther,

Here are Dottie's suggestions:

1. Under the selected magnitudes in 340-012-0135(1)(f) Asbestos violations, under major, moderate and minor magnitudes "asbestos-containing **waste** material" should be added. We have had cases related to ACWM where we could not use the selected magnitudes because it only lists ACM.
2. I am not sure where this would go, but there needs to be some distinction, in my opinion, for a violation and penalty based on submitting false or inaccurate information on an asbestos notification or report (air clearance, waste shipment, etc.). This type of violation should not get the same magnitude as a typical "paperwork" violation such as failure to submit a complete notification (forgot to list the work hours, name of landfill, etc.). When we have evidence that false or inaccurate information was submitted it should be a moderate magnitude. This type of violation is more than just "paperwork". By treating it the same as "paperwork" that gives abatement contractors the "out" to inaccurately report to the DEQ because there is no difference in consequence.
3. I would support non-profits being in a lower penalty matrix (as long as there has been no previous technical assistance contact or prior violations).

Thank you for being willing to take comments after the deadline.

Claudia

From: WESTBROOK Esther
Sent: Tuesday, July 10, 2012 10:26 AM
To: DAVIS Claudia
Subject: RE: Div. 12 rulemaking - asbestos

Yes, that would be great. It is actually Jenny Root's rulemaking timeline we're working with. I

checked with her and she said it would be fine to receive comments within a few weeks.

Esther L. Westbrook
Environmental Law Specialist
DEQ Office of Compliance and Enforcement
Tel: 503-229-5374

From: DAVIS Claudia
Sent: Tuesday, July 10, 2012 10:20 AM
To: WESTBROOK Esther
Subject: FW: Div. 12 rulemaking - asbestos

Esther,

Would it be possible for Dottie to send you some comments this week? I realize that you're on a tight time schedule and that might not be an option.

Thanks,
Claudia

From: BOYD Dottie
Sent: Monday, July 09, 2012 9:53 AM
To: DAVIS Claudia
Subject: RE: Div. 12 rulemaking - asbestos

Claudia,
Esther did not give enough time for feedback, especially considering the holiday. Could you ask for more time and I could get my comments to you this week. Thanks - Dottie

---

From: DAVIS Claudia
Sent: Wednesday, June 27, 2012 10:57 AM
To: BOYD Dottie
Subject: FW: Div. 12 rulemaking - asbestos

Dottie,

Is there anything you'd like me to propose?

Thanks,
Claudia

From: WESTBROOK Esther
Sent: Friday, June 22, 2012 11:06 AM
To: MONRO David; DAVIS Claudia; BAILEY Mark; BECKER John
Cc: ROOT Jenny; CARLOUGH Les
Subject: Div. 12 rulemaking - asbestos

Hello all,

I am contacting you because you manage staff in the asbestos program. As you know, OCE is beginning work on a rulemaking for Division 12, which are the rules that set forth DEQ's enforcement procedures and civil penalties. There are a couple of ideas for changing rules that relate specifically to asbestos. You may have already discussed them with Bryan Smith. These ideas are:

1. "Clarify whether selected or general magnitudes should apply to asbestos violations when we know the amount of asbestos involved but do not know that the asbestos was actually mishandled." My interpretation of this is that we want to distinguish between work practice violations/unlicensed abatement and "paperwork" violations when determining magnitude.
2. Discuss whether we want to treat non-profit institutions such as churches differently than other entities, perhaps by putting them on a lower penalty matrix.

Please let me know if you have any additional ideas for changes to Division 12. They can be anything from clarifying language that has led to past confusion, changing which classification or matrix applies to a certain violation, or anything you think could use improvement.

Please get back to me within two weeks, by Friday, July 6. Thank you!

Esther L. Westbrook
Environmental Law Specialist
DEQ Office of Compliance and Enforcement
Tel: 503-229-5374